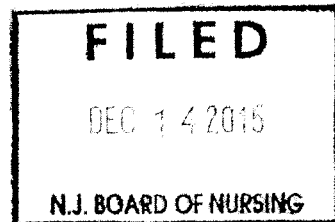


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
NORMAN LABITAG DIAZ, R.N.	:	FINAL ORDER
License # 26NR08942000	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Norman Labitag Diaz ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 12, 2014, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 - May 31, 2014. Respondent was also asked whether he completed the required course on Organ and Tissue Donation. Respondent answered "yes" to both questions and certified the answers by submitting the online application.

4. By letter dated November 10, 2014, the Board asked Respondent to provide proof of having completed required continuing education from his last biennial renewal period of June 1, 2012 - May 31, 2014.

5. Respondent replied by letter dated November 19, 2014 and attachments, but failed to address or mention the issue of continuing education and failed to provide any proof of completion of continuing education. Respondent's submission is not attached as an exhibit because no part pertains to continuing education.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are

required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2012 - May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying his continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and a two hundred and fifty dollar (\$250) civil penalty was entered on September 10, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and

conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline, on or about September 18, 2015, and demonstrated completion of the following continuing education during the listed biennial periods:

0 hours within June 1, 2012 to May 31, 2014;
and 41 hours within June 1, 2014 to May 31, 2016.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. Based on the foregoing, the Board voted to finalize the POD with modifications.

The Board concluded that Respondent may apply 30 of the 41 hours obtained during the 2014-2016 period to cure the deficiency of the June 1, 2012 - May 31, 2014 biennial period and avoid suspension of his license. Therefore, the Board determined that suspension was no longer warranted. The Board noted that Respondent has until May 2016 to complete the continuing education required for the current renewal period of 2014-2016.

However, the Board determined that Respondent's failure to timely complete the required continuing education within the June 1, 2012 - May 31, 2014 biennial period warrants imposition of a two hundred dollar and fifty dollar (\$250) civil penalty. Also, it concluded that a reprimand is warranted for Respondent's corresponding answer on his renewal application whereby he misrepresented that he had completed the required continuing education when he was unable to demonstrate, to the satisfaction of the Board, that he had done so.

ACCORDINGLY, IT IS on this 14th day of DECEMBER 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. A reprimand is imposed on Respondent Norman Labitag Diaz, RN, for falsifying the continuing education information on his license renewal application.

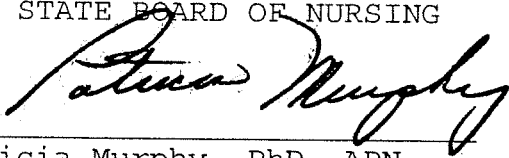
2. Respondent is assessed a civil penalty in the amount of two hundred fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos, Board Staff, State Board of Nursing, Post Office Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected

and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education hours taken currently and applied to cure the deficiency from the previous biennial period of June 1, 2012 - May 31, 2014, shall not also be used to satisfy the requirements of the current biennial period. Respondent shall ensure that he has completed an additional nineteen (19) hours of continuing education prior to renewal of his license in June 2016.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
Board President